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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,116	03/12/2004	Robert Olshansky	OLS-001	8911
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Kirkpatrick & Lockhart Preston Gates Ellis LLP (FORMERLY KIRKPATRICK & LOCKHART NICHOLSON GRAHAM) STATE STREET FINANCIAL CENTER One Lincoln Street BOSTON, MA 02111-2950			MATTIS, JASON E	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/800,116	OLSHANSKY, ROBERT	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 October 2007.
- 2a) This action is **FINAL**.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 19-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

1. This Office Action is in response to the Response to Restriction filed 10/18/07. Claims 1-13 and 19-27 of Group I have been elected. Claims 14-18 are withdrawn from consideration.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 19, line 6 of this claim contains the phrase "said signaling messages"; however there is no antecedent basis for multiple signaling messages in the claim. There is only mention of a single "signaling message" received from the first communication node. It is recommended that "said signaling messages" in line 6 be amended to state "said signaling message".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 2, 5, 6, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Erfurt (U.S. Pat. 7050457 B2).

**With respect to claim 1**, Erfurt discloses a method for permitting communications between first and second communication nodes (**See the abstract of Erfurt for reference to a method of communicating between a start node and a destination node, which are first and second communication nodes**). Erfurt also discloses receiving a signaling message from the first communications node (**See column 5 lines 1-24 and Figure 2 of Erfurt for reference to an intermediate node 8 receiving a start message 20, which is a signaling message, from a start node 4, which is a first communications node**). Erfurt further discloses querying a first and second communications node database for information about the first and second communication nodes in response to the signaling message (**See column 5 lines 9-24 and Figure 2 of Erfurt for reference to the intermediate node 8 reading information about both the start node 4 and a destination node 11, which is a second**

**communication node, from a database 21, which acts as a first and second communications node database, in response to the start message 20).** Erfurt also discloses making a decision whether the signaling message needs to be modified and modifying the signaling message before it is transmitted to the second node in response to the decision (**See column 5 lines 9-35 and Figure 2 of Erfurt for reference to determining if the start message 20 needs to be modified and modifying the start message by replacing a protocol identifier in response to determining that the message needs to be modified).**

**With respect to claim 2,** Erfurt discloses that the signaling message is a request to connect (**See column 5 lines 9-24 and Figure 2 of Erfurt for reference to the signaling message being a start message 20, which is a request to connect).**

**With respect to claim 5,** Erfurt discloses modifying by changing a syntax of the signaling message (**See column 5 lines 24-35 and Figure 2 of Erfurt for reference to modifying the start message 20 by replacing a protocol identifier, which corresponds to changing the syntax, of the start message 20).**

**With respect to claim 6,** Erfurt discloses that the first and second databases are a signal database (**See column 5 lines 9-24 and Figure 2 of Erfurt for reference to the single database 21 acting a both a first and second database).**

**With respect to claim 25,** Erfurt discloses a method for permitting communications between first and second communication nodes (**See the abstract of Erfurt for reference to a method of communicating between a start node and a destination node, which are first and second communication nodes).** Erfurt also

discloses an agent receiving signaling messages from the first communications node (See column 5 lines 1-24 and Figure 2 of Erfurt for reference to an intermediate node 8, which is an agent, receiving a start messages 20, which are signaling messages, from a start node 4, which is a first communications node). Erfurt further discloses the agent modifying and transmitting the signaling messages to the second communication node (See column 5 lines 9-35 and Figure 2 of Erfurt for reference to intermediate node 8 determining if the start messages 20 need to be modified and modifying the start messages 20 by replacing a protocol identifier before sending the messages to the destination node 11).

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erfurt.

**With respect to claim 3**, although Erfurt does not specifically disclose using communications comprising VoIP, video over IP, instant messaging, accessing conferencing bridges, and accessing communication servers, each of these types of

communications are old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine using communications comprising VoIP, video over IP, instant messaging, accessing conferencing bridges, and accessing communication servers with the system and method of Erfurt, with the motivation being to allow many common types of communications to be controlled between various communication nodes of the network.

**With respect to claim 4**, although Erfurt does not specifically disclose using signaling messages comprising all of a registration request, an authentication request, a connection request, a request to modify a connection, and a request to terminate a connection, each of these types of signaling messages are old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine using signaling messages comprising all of a registration request, an authentication request, a connection request, a request to modify a connection, and a request to terminate a connection with the system and method of Erfurt, with the motivation being to allow multiple different types of signaling messages having different functionalities to be sent between nodes of the network.

8. Claims 7-9, 19, 21-24, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erfurt in view of Li et al. (U.S. Publication US 2001/0043604).

**With respect to claims 7 and 8**, Erfurt discloses grouping communication nodes into categories wherein each category requires a different protocol remediation (**See column 5 lines 9-24 and Figure 2 of Erfurt for reference to the database**

**categorizing nodes by communication protocols they are capable of using).** Erfurt does not specifically disclose each category using a different signaling address comprising a port number.

**With respect to claims 7 and 8,** Li et al., in the field of communications, discloses using different signaling addresses and port number for sending signaling messages of different protocol types (**See pages 2-3 paragraphs 29-33 and Figures 1 and 2 for reference to using different addresses and port numbers for signaling messages corresponding to different protocols**). Using different signaling addresses and port number for sending signaling messages of different protocol types has the advantage of allowing a signaling protocol to be easily identified based on signaling addresses used such that appropriate actions can be taken based on the identified signaling protocols.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Li et al., to combine using different signaling addresses and port number for sending signaling messages of different protocol types, as suggested by Li et al., with the system and method of Erfurt, with the motivation being to allow a signaling protocol to be easily identified based on signaling addresses used such that appropriate actions can be taken based on the identified signaling protocols.

**With respect to claim 9,** Erfurt discloses the categories being based on a specified set of signaling messages requiring mediation (**See column 5 lines 9-24 and**

**Figure 2 of Erfurt for reference to nodes being separated into communication protocol types for protocol mediation).**

**With respect to claim 19**, Erfurt discloses a method for permitting communications between first and second communication nodes (**See the abstract of Erfurt for reference to a method of communicating between a start node and a destination node, which are first and second communication nodes**). Erfurt also discloses receiving a signaling message from the first communications node (**See column 5 lines 1-24 and Figure 2 of Erfurt for reference to an intermediate node 8 receiving a start message 20, which is a signaling message, from a start node 4, which is a first communications node**). Erfurt further discloses making a decision whether the signaling message needs to be modified and modifying the signaling message before it is transmitted to the second node in response to the decision (**See column 5 lines 9-35 and Figure 2 of Erfurt for reference to determining if the start message 20 needs to be modified and modifying the start message by replacing a protocol identifier in response to determining that the message needs to be modified**). Erfurt does not specifically disclose that the decision is in respect to an originating address used by the first communication node to send the signaling message.

**With respect to claim 24**, Erfurt discloses a method for permitting communications between first and second communication nodes (**See the abstract of Erfurt for reference to a method of communicating between a start node and a destination node, which are first and second communication nodes**). Erfurt also

discloses an agent receiving signaling messages from the first communications node (See column 5 lines 1-24 and Figure 2 of Erfurt for reference to an intermediate node 8, which is an agent, receiving a start messages 20, which are signaling messages, from a start node 4, which is a first communications node). Erfurt further discloses making a decision whether the signaling message needs to be modified and modifying the signaling message before it is transmitted to the second node in response to the decision (See column 5 lines 9-35 and Figure 2 of Erfurt for reference to determining if the start message 20 needs to be modified and modifying the start message by replacing a protocol identifier in response to determining that the message needs to be modified). Erfurt does not disclose the first node using a destination signaling address based on a protocol variant used by the first node and modifying the messages based on the signaling address.

**With respect to claims 26 and 27,** Erfurt does not disclose modifying the messages based on signaling addresses used to receive and transmit the messages.

**With respect to claims 19, 24, 26, and 27,** Li et al., in the field of communications, discloses using the originating address of a signaling message to determine whether to modify the signaling message (See pages 2-3 paragraphs 29-33 and Figures 1 and 2 of Li et al. for reference to using the originating address and destination address, which are based on the protocols used, of a signaling message to determine whether to modify the signaling message). Using the originating address of a signaling message to determine whether to modify the signaling

message has the advantage of allowing a signaling protocol to be easily identified and modified based on the originating address of the signaling message.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Li et al., to combine using the originating address of a signaling message to determine whether to modify the signaling message, as suggested by Li et al., with the system and method of Erfurt, with the motivation being to allow a signaling protocol to be easily identified and modified based on the originating address of the signaling message.

**With respect to claim 21**, although the combination of Erfurt and Li et al. does not specifically disclose using communications comprising VoIP, video over IP, instant messaging, accessing conferencing bridges, and accessing communication servers, each of these types of communications are old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine using communications comprising VoIP, video over IP, instant messaging, accessing conferencing bridges, and accessing communication servers with the system and method of Erfurt and Li et al., with the motivation being to allow many common types of communications to be controlled between various communication nodes of the network.

**With respect to claim 22**, although the combination of Erfurt and Li et al. does not specifically disclose using signaling messages comprising all of a registration request, an authentication request, a connection request, a request to modify a connection, and a request to terminate a connection, each of these types of signaling

messages are old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine using signaling messages comprising all of a registration request, an authentication request, a connection request, a request to modify a connection, and a request to terminate a connection with the system and method of Erfurt and Li et al., with the motivation being to allow multiple different types of signaling messages having different functionalities to be sent between nodes of the network.

**With respect to claim 23**, Erfurt discloses modifying by changing a syntax of the signaling message (**See column 5 lines 24-35 and Figure 2 of Erfurt for reference to modifying the start message 20 by replacing a protocol identifier, which corresponds to changing the syntax, of the start message 20**).

9. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erfurt in view of Bright et al. (U.S. Pat. 6950876 B2) and in further view of Li et al.

**With respect to claim 10**, Erfurt discloses a method for communicating between first and second communication nodes (**See the abstract of Erfurt for reference to a method of communicating between a start node and a destination node, which are first and second communication nodes**). Erfurt also discloses receiving a signaling message from the first communications node (**See column 5 lines 1-24 and Figure 2 of Erfurt for reference to an intermediate node 8 receiving a start message 20, which is a signaling message, from a start node 4, which is a first communications node**). Erfurt further discloses querying a second and fourth

database for information about the first and second communication nodes in response to the signaling message (**See column 5 lines 9-24 and Figure 2 of Erfurt for reference to the intermediate node 8 reading information about both the start node 4 and a destination node 11, which is a second communication node, from a database 21, which acts as a first and second communications node database, in response to the start message 20**). Erfurt also discloses making a decision whether the signaling message needs to be modified and modifying the signaling message before it is transmitted to the second node in response to the decision (**See column 5 lines 9-35 and Figure 2 of Erfurt for reference to determining if the start message 20 needs to be modified and modifying the start message by replacing a protocol identifier in response to determining that the message needs to be modified**). Erfurt does not disclose querying a first database to authenticate an identity of the first node. Erfurt does not disclose querying a third database for signaling addresses of nodes.

**With respect to claim 10**, Bright et al., in the field of communications, discloses querying a database to authenticate an identity of a communication node (**See column 6 lines 17-36 and Figure 2 of Bright et al. for reference to using a security database 207 for user authentication control**). Querying a database to authenticate an identity of a communication node has the advantage of making the communications network more secure by only allowing access to nodes that are allowed to use the network.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Bright et al., to combine querying a database to authenticate an identity of a communication node, as suggested by Bright et al. with the system and method of Erfurt, with the motivation being to make the communications network more secure by only allowing access to nodes that are allowed to use the network.

**With respect to claim 10**, Li et al., in the field of communication, discloses looking up signaling addresses of nodes (**See pages 2-3 paragraphs 29-33 and Figures 1 and 2 of Li et al. for reference to using the originating address and destination address, which are based on the protocols used, of a signaling message to determine whether to modify the signaling message**). Using the originating address of a signaling message to determine whether to modify the signaling message has the advantage of allowing a signaling protocol to be easily identified and modified based on the originating address of the signaling message.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Li et al., to combine using the originating address of a signaling message to determine whether to modify the signaling message, as suggested by Li et al., with the system and method of Erfurt and Bright et al., with the motivation being to allow a signaling protocol to be easily identified and modified based on the originating address of the signaling message.

**With respect to claim 11**, Erfurt discloses that the first, second, third, and fourth databases are a signal database (**See column 5 lines 9-24 and Figure 2 of Erfurt for reference to the single database 21**).

**With respect to claim 12**, although the combination of Erfurt, Bright et al., and Li et al. does not specifically disclose using communications comprising VoIP, video over IP, instant messaging, accessing conferencing bridges, and accessing communication servers, each of these types of communications are old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine using communications comprising VoIP, video over IP, instant messaging, accessing conferencing bridges, and accessing communication servers with the system and method of Erfurt, Bright et al., and Li et al., with the motivation being to allow many common types of communications to be controlled between various communication nodes of the network.

**With respect to claim 13**, although the combination of Erfurt, Bright et al., and Li et al. does not specifically disclose using communication services comprising all of access to cellular networks, access to a PSTN, access to conferencing services, and access to messaging services, each of these types of services are old and well known in the art of communications. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine using services comprising all of communication services comprising all of access to cellular networks, access to a PSTN, access to conferencing services, and access to messaging services with the system and method

of Erfurt, with the motivation being to allow multiple different types of services having different functionalities to be sent between nodes of the network.

10. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Erfurt in view of Li et al. as applied to claims 7-9, 19, 21-24, 26, and 27 above, and further in view of Bright et al.

**With respect to claim 20**, Li et al. discloses addresses comprising a port number (**See pages 2-3 paragraphs 29-33 and Figures 1 and 2 of Li et al. for reference to using port numbers with addresses**). The combination of Erfurt and Li et al. does not specifically disclose using IP addresses.

**With respect to claim 20**, Bright, in the field of communications, discloses using IP addresses (**See column 6 lines 17-36, column 9 line 63 to column 10 line 15 and Figure 2 of Bright et al. for reference to storing and using IP address in formation**). Using IP addresses has the advantage of allowing the communication network to be compatible with widely used IP protocols.

It would have been obvious for one of ordinary skill in the art at the time of the invention, when presented with the work of Bright et al., to combine using IP addresses, as suggested by Bright et al. with the system and method of Erfurt and Li et al., with the motivation being to allow the communication network to be compatible with widely used IP protocols.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason E. Mattis whose telephone number is (571) 272-3154. The examiner can normally be reached on M-F 8AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jason E Mattis  
Examiner  
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jem